

SPEECH

OF

1805-1888

MR. JULIUS ROCKWELL, OF MASS.

UPON THE QUESTION OF

THE ADMISSION OF TEXAS AS A STATE,

INTO THE UNION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, U. S. DEC. 16, 1845.

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SPEECH

MR. JULIUS ROSENBERG OF NEW YORK

THE ADMISSION OF TEXAS AS A STATE

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STATE OF NEW YORK

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WASHINGTON

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## S P E E C H .

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'The question being upon the passage of the following—

JOINT RESOLUTIONS for the admission of the State of Texas into the Union.

Whereas the Congress of the United States, by a "*joint resolution*," approved March the first, eighteen hundred and forty-five, did consent that the territory properly included within, and rightfully belonging to, the republic of Texas, might be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same might be admitted as one of the States of the Union; which consent of Congress was given upon certain conditions specified in the first and second sections of said joint resolution: And whereas the people of the said republic of Texas, by deputies in convention assembled, with the consent of the existing government, did adopt a constitution and erect a new State, with a republican form of government, and in the name of the people of Texas, and by their authority, did ordain and declare that they assented to and accepted the proposals, conditions, and guaranties contained in the said first and second sections of said resolution: And whereas the said constitution, with the proper evidence of its adoption by the people of the republic of Texas, has been transmitted to the President of the United States, and laid before Congress, in conformity to the provisions of said joint resolution: Therefore.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Texas shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Sec. 2. And be it further enacted, That, until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of Texas shall be entitled to choose two Representatives.

Mr. ROCKWELL addressed the House as follows :

*Mr. Speaker:* I rise to oppose the passage of these resolutions. I seize upon this opportunity, as I am sure that no member upon this side of the House will be able to get the floor upon this question at any other time. I have been the more anxious for this opportunity, because I am the only member of the Committee on the Territories, from which these resolutions were reported, opposed to their adoption.

On Wednesday last, that portion of the President's message which relates to the admission of Texas as a State of this Union was referred to that committee. On Thursday, after one brief meeting of the committee, these resolutions were reported to the House; and, upon motion of the chairman, (Mr. DOUGLASS,) their consideration was especially assigned for this day; to be taken up and disposed of, to the exclusion of other business. At the time that report was made I endeavored to get the floor, to move their reference to the Committee of the whole House on the state of the Union, in which they might have been discussed and amended, without being subject to the effect of the previous question. I was then unable to do so. This morning, when the resolutions first came up, upon the question of their passage to be engrossed for a third reading, the previous question was immediately applied; and under that they passed that stage. I have reason to believe, that the moment I yield the floor it will again be applied, and there will be no further opportunity of debating them in this House. The constitution of Texas, in printed form, was laid on our tables only yesterday, (Monday,) and before that time I had no opportunity to examine its details.



I am not now fully acquainted with all its provisions, for want of time to examine them, and cannot expect even to allude to all the objections that may fairly be raised against it.

But, sir, I shall proceed briefly to set forth some prominent reasons of my opposition to these resolutions, impelled not only by my own convictions of duty, but also by the remonstrances of many of my immediate constituents, against the admission of Texas as a State, with its present constitution; and, further, by the remonstrances of great numbers of the people of the State which I in part represent, presented by all my colleagues; and, further, by like remonstrances from citizens of many other States of this Union. In their name, and behalf, I speak my brief hour this day against the admission of Texas as a State of this Union, with the provisions of the constitution now presented to this House.

These remonstrants, sir, belong exclusively to no political party. I am well assured, that there are found among them, in considerable numbers, members of both the two leading political parties of the country, as well as of the party known as the Liberty party. I shall, therefore, place my opposition to this measure of gravest moment to my country upon no party ground. Its pre-eminent importance to the interests, present and future, of the entire Union, and all the people thereof, demands that its discussion shall be divested of all partisan feelings and influences.

In other respects, sir, I shall place my opposition to this measure upon no narrow ground. Certainly not upon the ground of repugnance to the erection of new States, upon the territory rightfully acquired and possessed by this nation whenever the circumstances of our citizens, by whose enterprise and labor it is brought within the area of cultivation, shall require the organization of new States, and their admission into the Union. Neither by the letter or spirit of the remonstrances to which I have alluded, coming from the people of many States—of new as well as old States—of western, as well as eastern and middle States—am I authorized to place this opposition upon any such narrow principle. The sentiments of the people of Massachusetts—the State which I have the honor in part to represent—so far as I know them, are of a different and more liberal spirit. As the periods of time roll on, when fresh and great accessions to the area of cultivation, civilization, and christianity, are made by our people upon the territory beyond our States westward, secured to us by national right and honorable negotiation, the people of Massachusetts, in my judgment, will not be found reluctantly aiding in extending the federative principle of the constitution, in the organization of new States even to the Pacific ocean. Their children will be there. Their patriotic sympathy will go with them. The people of the eastern States will not be found repining at the greatness and prosperity of the west. In the country, and in the cabinet, they have exhibited a different spirit.

Look at the negotiations in relation to the Oregon territory, which have been progressing during a part of the period of the last administration and the present. I acknowledge and honor the ability with which our claim and title have been set forth and maintained; but the country has not failed to see, nor will history fail to record, that more than a quarter of a century ago a work was done in the fair field of the diplomacy of the country, without which the arguments now presented would be vastly less conclusive. That work was done by the administration, of which my venerable colleague



before me (Mr. ADAMS) was a member, and Secretary of State. His heart and his genius were in that work. God bless him, sir, and preserve his life—until the ear that heard the guns of Bunker Hill shall listen to the breaking of the waves of the Pacific upon the shores of sovereign States of this Union; until the eye, that saw the flames of burning Charlestown, shall behold the multiplied stars and stripes of the republic “beyond the Stony mountains,” upon territory peacefully secured by honorable negotiation.

I repeat it, sir, I will not place any part of the objections which I make to this measure upon the ground of any unwillingness to extend the federative principle of our Constitution, even from one ocean to the other, by the admission of new States, whenever their population has sufficiently progressed upon territory rightfully our own. I follow the fathers of the Constitution in this particular, recognising the distinction taken by Mr. Madison as early as 1778, between a democracy and a republic, as to their relative capability of extension. These are his words:

“As the natural limits of a democracy is that distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than can join in these functions, so the natural limit of a republic is that distance from the centre which will merely allow *the representatives of the people* to meet as often as may be necessary for the administration of public affairs.”

I am prepared to believe, sir, that by the improvements of the present age, in the means of communication, locomotion, and the transmission of intelligence, that this “natural limit of a republic” may extend ultimately to the utmost limits of North America. I am prepared to put my faith in this extension of our federative principle, and this expansion of our Federal Government, whenever and wherever it can be done in strict accordance with the principles of the Constitution, with the true ideas of perfect, universal freedom, contained in the declaration of our independence, and in conformity with the settled law of nations. But these, sir, are indispensable conditions to my faith. The ambition of national aggrandizement, the unbridled lust of dominion, was never in the hearts of the founders of the Republic, and they have made no provision for their gratification.

The matter now in hand is the acquisition of the territory and jurisdiction of a foreign State, whose independence of us and of all the world we have fully acknowledged. Between this and the creation of new States upon our own territory the distinction is so broad and deep, that all men readily and clearly perceive it. The transaction we are now called upon to consummate has confessedly no precedent, and I deny that it has any constitutional warrant. In the last Congress the doctrine of annexation by legislative enactment was denied at its first inception, and most strenuously resisted in both Houses to the last, at every step, and to the very moment of the passage of the joint resolution. It was, at that time, earnestly maintained that the Constitution had provided for no such case; that the people had conferred upon no branch or branches of the Government the power to admit a foreign State into the Union; that it could only be done by the consent of the people of each of the existing States; that this consent was as clearly essential as the consent of all the members of a commercial partnership to the introduction of new associates. It was, moreover, insisted that if precedent could be allowed to supply the wants of constitutional power, the precedent of the purchase of Louisiana by treaty located that power in the treaty-making branch of the Government to the exclusion of all others; that Mr. Jefferson, Mr. Madison, and other framers of the Constitution then living, and at the head of affairs, conceived of no other agency for such



case but the treaty-making power; that such was the necessity of that case, such the importance of that acquisition, as a matter of self-defence and national preservation, that the treaty power was invoked, not as a complete constitutional power, but in anticipation that its exercise would be subsequently made constitutional by an amendment of the Constitution, applicable to that extreme case alone, and excluding it as a precedent. And, among other things, the letter of Mr. Jefferson to Mr. Breckenridge was cited, in which he expressly states, "The Constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union," and in which he suggests that the treaty, after its ratification by the Senate, and after the action of Congress in providing means for carrying out its stipulations, must be submitted to the nation, "for an additional article to the Constitution, approving and confirming an act which the nation had not previously authorized."

The Tyler administration, after Mr. Upshur became Secretary of State, sought to effect an annexation of Texas by the treaty-making power. A treaty was negotiated, submitted to the Senate, and rejected. This treaty presented a fresh and full acknowledgment that Texas was a foreign nation, to the territory of which we had no claim whatever. It was, in the last Congress, contended, and the position supported by the most stringent arguments, that, in the relations existing between Mexico and Texas, by the laws of nations, Mexico must, of necessity, be a party to treaties which should annex Texas to the United States. After the rejection of this treaty, after its utter failure, when, as it was then contended, there was an end to all constitutional proceedings to effect annexation, the unprecedented expedient was resorted to of annexing Texas by a law of Congress, proposing terms of annexation, to be accepted by Texas. The constitutional power of Congress to admit new States into the Union was suddenly expanded into a power which, by its inherent vigor, could create the materials upon which it was to operate. It is not my present intention to reiterate the arguments by which this false reading of the Constitution was resisted and exposed. It is sufficient for my present purpose to say, that all these objections to the annexation of Texas remain in their full force to this day. In relation, however, to the objections growing out of the relations of Mexico to Texas, I am free to say, I will not at this moment insist upon that. We are informed by the President's message that a distinguished citizen, and an esteemed member of this House, is now engaged in negotiation with the Mexican Government, and I will not urge any thing in my place here which might, by any possibility, embarrass the negotiations of my country with any foreign power. But the other objections to the inception of this measure remain in their full strength. In the light of the Constitution, and of precedent, I maintain that the least solemn form in which a foreign State can be annexed to this nation is by treaty, ratified by two-thirds of the Senators; and that all that has been done is of no binding force upon this Congress, to compel us here to carry out this measure of annexation. Do we sit here with no other power upon this subject than simply and subserviently, at the beck of the Executive, to register the edicts of a former Congress? Was this the doctrine of the fathers of the Constitution? Is this the democratic doctrine of the present day? These joint resolutions of the 28th Congress have no other force and validity than the other laws enacted by that legislature. Like them all, they are subject to repeal; much more then to modification, amendment, and partial repeal.



Neither do I conceive that the action of the legislature and people of Texas has taken from this Congress the power of amendment, modification, and repeal. What has in fact been done? The 28th Congress adopted a joint resolution, giving the consent of that Congress to the formation, by Texas, of a State, which might, within a certain time, and upon certain conditions, present here its constitution, and apply for admission as a State of this Union. On the basis of that consent alone, the whole subsequent action of Texas proceeded. It was known to every body in and out of Texas, that great and strenuous objection was made in that Congress against giving that consent, and its constitutional power to do so steadfastly denied. The annunciation of this consent was borne to Texas by the joint resolution. Texas saw that they contained the consent of Congress merely, and took the chances, that that consent might be changed in its conditions, or wholly withdrawn by the action of a future Congress; for, by the terms of those resolutions, the transaction was set forth as a thing not perfected, but which was to be submitted to the present Congress for its deliberation and final action. That all this may more fully appear, I ask leave to read the resolutions of the 28th Congress, as they were sent to Texas.

“JOINT RESOLUTION for annexing Texas to the United States.

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress *doth consent* that the territory properly included within, and rightfully belonging to, the republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of Government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, *in order that the same may be admitted as one of the States of this Union.*

“2. And be it further resolved, That the foregoing *consent* of Congress is given upon the following conditions, and with the following guarantees, to wit: *First.* Said State to be formed, subject to the adjustment by this Government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress, *for its final action*, on or before the first day of January, 1846. *Second.* Said State, when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms and armaments, and all other property and means pertaining to the public defence belonging to the said republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind which may belong to, or be due and owing to, the said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied to the payment of the debts and liabilities of said republic of Texas; and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the Government of the United States. *Third.* New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution; and such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery, or involuntary servitude, (except for crime,) shall be prohibited.”

Here is the *consent* of that Congress declared, with the incidents of that mere consent by joint resolution, among which, of course, was the possibility of its repeal. And, further, the consent is declared upon the condition that the constitution to be formed should be laid before this Congress *for its final action*. Can it now be said that this *final action* was definitely prescribed; that this deliberative body has not the power to deliberate; that it is the mere ministerial agent of a former Congress, to do its bidding? Why send it here at all, then? Why was not all future action entrusted to the



Executive? Why was it not made the duty of the President, when this constitution of Texas was laid before him, to announce the union of the two nations by proclamation? For one, sir, I am not disposed to yield this despotic power to the resolution of a former Congress. I hold that this Congress is now to deliberate upon, and determine the question, whether Texas, with its present constitution, shall be admitted as a State into this Union; that we have the power to look into this constitution and reject it, or give our absolute or qualified consent, as shall seem meet to us. In this manner have the people read and understood these resolutions. To this Congress they look for the "final action." They will hold this Congress responsible for the admission of Texas as a State into this Union.

But, sir, if I could be brought to admit, that which I utterly deny, that the 28th Congress acted strictly within its constitutional power in passing its joint resolution, and that that resolution, with its conditions and guaranties, are literally binding upon the country and upon this Congress, still I maintain, that one of those conditions at least is directly violated by the constitution of Texas now before us. I call your attention to the third paragraph of the second section of the joint resolutions which I have just read. Literally construed, sir, the condition in regard to slavery does not attach to the State of Texas now applying for admission into this Union. This is not one of the four "new States to be formed out of the territory thereof"—it is the original State; out of which those new States may hereafter be formed, "*by the consent of said State;*" and to this, that condition or guaranty does not attach. It comprises the whole extent of Texas, north as well as south of "thirty-six degrees thirty minutes north latitude, commonly known as the Missouri compromise line." As to this State, the slavery question is still open, without conditions and without guaranty of the former Congress. "This question is to be decided by us. We have the responsibility, and we cannot avoid it. Nor can it be objected, that this is a narrow and technical aspect of a great question. We have a right to demand a literal construction. Even on a point of doubtful meaning, we have a right to that construction which may have been given to it by those members of the last Congress who gave the most reluctant vote in favor of the resolution. It is well known that this resolution passed in the last Congress, after the agony of spirited debate in both Houses—a debate of course cut off in this House, in the midst, by the use of the previous question—a debate involving this slavery question—passed, sir, against a strong minority in both Houses, and in one by a majority of but a single vote. This slavery condition was the point which numbers of those who voted for these resolutions most reluctantly yielded. We are bound to believe and insist, that they yielded no more than the letter of the resolutions clearly declares.

But, sir, if the literal meaning of the resolution, is to be rejected, and they are to be construed according to their spirit, surely it will not be contended, that slavery was guarantied to the whole extent of this territory, north and south of the compromise line. The utmost that can be claimed is, that by the spirit and intent of those resolutions, the people of Texas, south of that line, were left free to choose whether they would have slavery or not, and that slavery was prohibited north of that line. This State of Texas, now applying for admission, comprehends the entire territory, north and south. "This constitution establishes slavery throughout. It forbids future emancipation by the legislature. New States may or may not be hereafter erected



out of its territory. They never can be, but with the consent of the State now admitted. If no new States are erected, domestic slavery is made perpetual, north and south. If any new States are erected, their erection requires the consent of this State. Its legislature can give no consent, coupled with emancipation, to the admission of any State north of the compromise line. And upon the admission of the State of Texas, with its present constitution, in connexion with the joint resolution of the last Congress, what becomes of the spirit and intent of that resolution in regard to slavery? If this State is now admitted, the only effect of the last clause in the joint resolution, prohibiting slavery "in such State or States as shall be formed out of territory north of said Missouri compromise line," will have been, "to keep the promise to the ear, and break it to the hope."

In this connexion another fact presents itself, which the country can never forget. The joint resolution could not have been adopted in the form in which it now appears. A majority in the Senate, and a portion of the majority which it received in the House of Representatives, was obtained by means of the following amendment, which made a part of the resolutions as they were finally adopted. The amendment was in these words:

3. "And be it further resolved, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the republic of Texas, as an overture on the part of the United States for admission, to negotiate with that republic: Then—

"Be it resolved, That a State, to be formed out of the present republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and condition of such admission, and the cession of the remaining Texan territory to the United States shall be agreed upon by the Governments of Texas and the United States: That the sum of one hundred thousand dollars be, and the same is hereby, appropriated, to defray the expenses of missions and negotiations, to agree upon the terms of said admission and cession, either by treaty, to be submitted to the Senate, or by articles to be submitted to the two Houses of Congress, as the President may direct."

This part of the resolution recognises *negotiation*; authorizes the President "to negotiate with that republic, if, in his judgment and discretion," he should deem it advisable; and leaves the slavery question, as well as other questions, entirely open and unsettled. This resolution became a law, by the approval of the President, on the first day of March, 1845. "On the third day of March, 1845," the late President, as we are informed by the annual message, "elected to submit the first and second sections of that resolution to the republic of Texas; as an overture on the part of the United States, for her admission as a State into our Union." This election was approved by President Polk, and his instructions issued accordingly, bearing date the tenth day of the same March. Within two days after its passage, this third section of the joint resolution was as if it had never been, and within ten days all hope of it was gone forever. It was but the sugared crust of the bitter pill which could not otherwise have been taken. Still there has remained, in the minds of a portion of our people, an idea that the "final action" of this Congress, upon the admission of Texas as a State, might prevent that vast region, or at least a part of it, from irrecoverably passing within the area of slavery. By the passage of the resolutions now before us, without amendment, that last hope will be extinguished.

I know it is sometimes claimed, sir, that the people of the country have, in some sense, passed upon this question in the late Presidential election, because the opinions of the citizen elected President were known to be favorable to annexation. But will any body contend that the *terms* and *con-*



*ditions* of the annexation were decided on by the people? And among many reasons, to show that a majority of the people did not so decide in that election, is this conclusive one, that in some of the States, and those among the largest and most populous, the Presidential electors, whose votes were given for the present chief magistrate, were elected by minorities—the majorities, divided into different parties, being against annexation. Every man knows the variety of warring elements which resulted in that election, and the power of party organization over them all. Besides, sir, I know that I have here presented, and so have many other gentlemen, remonstrances against this measure, among the signatures to which are many of the names of persons, whose votes were given at the last Presidential election in favor of the present Executive. I shall not go into the circumstances attending that election, for it is far from my purpose to have any agency in exciting a tumult of party feeling in this House. I hope to treat this question, in conformity with the rules of the House, with parliamentary rules, and with that decorum which becomes a representative of the people upon this floor.

I trust, sir, that I have shown that this Congress has the right to deliberate upon this subject; that, whether we are guided by the letter or spirit of the joint resolution of the last Congress, we are bound to take our “final action” as a legislature—a deliberative body—asserting all our constitutional powers, extending to the rejection of the constitution offered by Texas, or its rejection, unless amended in the particulars which may be pointed out by amendment in the resolutions under discussion.

I have said, sir, that owing to the haste in which these proceedings have followed one upon another, I have not had time to examine the details of this constitution as fully as they require. I am aware there are other objections, besides the main one which I shall set forth, and those of a grave character, which I shall not be able to investigate. And as introductory to that main objection, I refer again to one portion of the history of these transactions.

Amidst all the heat and dust which this Texas question has raised throughout the country; amidst all the sophistry, misrepresentation, intrigue, and unscrupulous efforts of every kind, which have attended its progress, there stands out one honest declaration, on the part of the administration, of the true reason why the annexation of Texas was so vehemently desired. From the observation of the people, in some sections of the country, it was in the main concealed during the Presidential canvass. It was shadowed forth, as I think, with a good degree of distinctness, in the correspondence of a lamented Secretary of State, now deceased. But it was distinctly stated, without disguise, by his immediate successor, the eminent statesman of South Carolina. When not only this Congress, but this administration shall have passed away, and much that has attended these transactions shall have been forgotten; it will appear, in the light of impartial history, that the leading reason for the annexation of Texas, avowed by the American Secretary of State to the minister of Great Britain, in the face of both countries, and of the world, in a diplomatic communication dated the 27th of April, 1844, was declared to be to preserve certain domestic institutions; meaning thereby the institutions of domestic slavery, both in the United States and in Texas. From that communication I read the following paragraph:

“The United States, in concluding the treaty of annexation with Texas, are not disposed to shun any responsibility which may fairly attach to them on account of the transaction. The



measure was adopted with the mutual consent, and for the mutual and permanent welfare, of the two countries interested. It was made necessary, in order to preserve domestic institutions, placed under the guarantee of their respective constitutions, and deemed essential to their safety and prosperity."

There will remain for ever the historical reason given by our Government for the annexation of Texas to this Union. Now, sir, representing the declared opinions of the scores of thousands of the people of this country, whose remonstrances are pouring in upon us, and, as I believe, the real sentiments of millions more, I take that issue, and I oppose the admission of Texas as a State of this Union; for this reason especially because its constitution, as far as it can, supports and perpetuates domestic slavery. I find in this constitution an article, the title of which is a word unknown to the constitution of my country. This is the article in the constitution of Texas to which I allude, and ask especial attention:

#### ARTICLE VIII.—SLAVES.

SEC. 1. The legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, nor without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated. They shall have no power to prevent emigrants to this State from bringing with them such persons as are deemed slaves by the laws of any of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: *Provided*, That such slave be the *bona fide* property of such emigrants: *Provided, also*, That laws shall be passed to inhibit the introduction into this State of slaves who have committed high crimes in other States or Territories. They shall have the right to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing them from becoming a public charge. They shall have full power to pass laws which will oblige the owners of slaves to treat them with humanity; to provide for their necessary food and clothing; to abstain from all injuries to them, extending to life or limb; and, in case of their neglect or refusal to comply with the directions of such laws, to have such slave or slaves taken from such owner, and sold for the benefit of such owner or owners. They may pass laws to prevent slaves from being brought into this State as merchandise only.

SEC. 2. In the prosecution of slaves for crimes of a higher grade than petit larceny, the legislature shall have no power to deprive them of an impartial trial by a petit jury.

SEC. 3. Any person who shall maliciously dismember, or deprive a slave of life, shall suffer such punishment as would be inflicted in case the like offence had been committed upon a free white person, and on the like proof, except in case of insurrection of such slave.

Now, sir, this question of the establishment of slavery in Texas is, in its most prominent aspect, a new question, reaching farther and wider than any question of this nature heretofore raised in the history of the Government. By a decree of the government of Mexico, made, I think, in 1829, slavery was abolished in that country, including Texas. In the confused state of affairs, it has, however, been continued, as I understand, in a modified form, and has, to some extent, increased in limited portions of Texas. It looks, however, for its security and extension to this measure of annexation—to its admission as a State into this Union with its present constitution. And it is now to be decided whether the cloud, now "no bigger than a man's hand," shall be dissipated, or shall overspread the whole heaven of Texas; whether the same act which brings into the Union this vast territory, shall preserve to it forever the institutions of domestic slavery. The importance of this measure cannot be overstated, even if we confine our view to Texas itself. The territory of Texas is represented to be "larger than France, equal in extent to the whole German Empire, three times as large as the United Kingdom of Great Britain and Ireland;" with a variety of climate, soil and productions: great portions of it excellent in all. Our aid and our votes are now required to expel this vast, fair and fertile region from the area of freedom, and place it within the area of slavery;



and not only so, but to assent to the depriving its legislature of all power to alter in this respect its future condition; for such will be admitted to be the intended and actual effect of its constitution.

But an enlightened and judicious forecast, as it seems to me, will invest this transaction with still greater importance and interest. From observation of the progress of events—of the condition and character of other American governments—of the true interests of European governments in relation to jurisdiction upon this continent—opinions are now entertained, in quarters entitled to the highest respect in this country, and abroad also, by those whose position enables them, perhaps, to take still more impartial and philosophic views, that, sooner or later, for evil or for good, the constitutional Government of the United States will most probably be extended over the entire area of North America. And, in the face of such authority, we are not only authorized, but obliged, to regard this question as affecting all that part of this continent which lies south and west of Texas. The mere possibility of such events is sufficient to awaken this added interest—to invest the question with this increased importance. This is the first step—a mighty stride in itself, and irrevocable.

Upon this question of slavery I will speak without reserve, concealing no opinion, and abating no argument, which my time will allow. I shall have nothing to say of the States of our beloved Union where slavery now exists. Where they have inherited this institution—where they possess it under the common constitution—it is their own affair; theirs to manage, limit, or abolish, as they best may. But I appeal to all men to say, whether the fairest portions of the earth, in which the institution of domestic slavery has been found, have come up to that degree of prosperity and social happiness which God, by his abundant gifts, manifestly enabled them to attain. I appeal to the history of the world, I ask diligent and candid inquiry into the condition of all civilized nations, and I submit that the conclusion cannot fairly be resisted, but must be admitted, that wherever a place has been found for domestic slavery, its permanent influence has been evil and injurious to the entire community—to the race that is served as well as to the race that serves. On the contrary, where slavery exists not—where perfect equality, so far as laws and government may have influence, prevails—where no race of men is subservient to another—where of consequence labor, physical labor, is honorable, and the privilege of all—there, I submit, in the light of the same history, has been the greatest amount of labor, physical and intellectual, performed by the greatest number, and of labor's richest reward; and there has been the freest scope afforded to the cultivation of virtuous and moral sentiments and correct views. In regard to the highest exhibitions of intellectual acquisition and power, I may admit that individual instances may be found in both states of society; but I claim that in communities entirely free there is by far the greatest aggregate amount of cultivated intellectual and moral power; and this, I insist, is the only true test of comparison and contrast. There are now regions of the earth where domestic slavery has long existed, the eradication of which would be soon followed by a doubling and quadrupling of population, drawn from free States, wealth and resources of every kind, with an augmentation of private comfort and happiness in a still greater proportion; and upon this point I abide the decision of intelligent freemen within those regions, as well as without. I deny the validity of arguments against these general truths



drawn from the condition of colonies, distant from their parent countries, now in their transition state, with the institution just broken up. This is a question of time. In its practical application to the subject now in hand, to this new and vast territory, it is a question of decades of years—nay more, of centuries. Here, especially, the argument that the two races cannot exist together, except where the one is enslaved to the other, has no application. The very question is, whether both races shall be here driven in together. The exclusion of the enslaved race, the abstaining from active measures to introduce them, for which we are strenuously contending, would forever exclude this argument, both as to the condition of that race when enslaved and when made free from slavery.

But, sir, however these views may fail to convince others, they are the sentiments of those who remonstrate against and resist this great measure now urged upon us. And further, sir, I am required by the circumstances in which I am placed, and by the opinions which I represent, to present a further argument against this vast extension of these domestic institutions. I do this in obedience to those who entertain these opinions upon which the argument is founded, many of whom are my immediate constituents, and in accordance with my own convictions. They look upon the extension of slavery as a great national sin—an offence in the sight of God, without whose blessing no nation can ever remain prosperous and happy—as directly opposed to the dictates of inspired truth; and they believe that if they do not resist it to the utmost of their power, even to the point where resistance becomes hopeless, they will expose themselves and their country to that Divine displeasure and chastisement which must ever follow upon national transgression. We resist this measure here, because, whatever may be the issue, we must and will be in, and of, and for our country, now and ever, whatever of blessing or of blight may betide that common country.

I am made aware, sir, that arguments against this measure, coming from the State which I in part represent, are sometimes viewed in certain quarters with a jealousy which I know to be unfounded in the sentiments and conduct of the citizens of that State. On yesterday, I think it was, sir, while one of my colleagues was presenting remonstrances against this measure, an extract from a newspaper, published in the province of Massachusetts Bay, I believe in the year 1741, was sent to the Clerk to be read, containing some advertisements of the sale of negroes, and for negroes runaway from their masters. How far, or in what sense, this was intended as a reproach to Massachusetts, I have not inquired; nor is it at all material. But, sir, it gives me the opportunity to refer to the vindication, from a source of undoubted impartiality, of the people of Massachusetts, in their colonial condition, in regard to the matters involved in this debate. Happy is the State or nation, sir, (and may this nation and all its States be ever found so,) which, in the hour of attempted disparagement, can point to the decided testimony of those who have no motive but the love of truth, upon the page of immortal history, to vindicate her fair fame. I read, sir, from Grahame's History of the United States:

“ Among other subjects of dispute with the British Government and its officers, was one more creditable to Massachusetts than even her magnanimous concern for the liberty of her citizens and their fellow-colonists. Negro-slavery still subsisted in every one of the American provinces; and the unhappy victims of this yoke were rapidly multiplied by the progression of the slave trade. Georgia, the youngest of all the States, contained already fourteen thousand negroes; and



in the course of the present year alone, more than six thousand were imported into South Carolina. In New England, the number of slaves was very insignificant, and their treatment so mild and humane, as in some measure to veil from the public eye the iniquity of their bondage. But the recent discussions with regard to liberty and the rights of human nature, were calculated to awaken, in generous minds, a juster impression of negro slavery; and during the latter part of Governor Bernard's administration, a bill prohibitory of all traffic in negroes was passed by the Massachusetts Assembly. Bernard, however, in conformity to his instructions from the Crown, refused to affirm this law; and thus opposed himself to the virtue, as well as to the liberty of the people whom he governed. On three subsequent occasions, laws abolishing the slave trade were passed by the same Assembly, during Hutchinson's administration; but all were in like manner negatived by the Governor. And yet it was at this very period, when Britain permitted her merchants annually to make slaves of more than fifty thousand men, and refused to permit her colonists to decline a participation in this injustice, that her orators, poets, and statesmen, loudly celebrated the generosity of English virtue in suffering no slaves to exist on English ground, and the transcendent equity of her judicial tribunals, in liberating one negro who had been carried there. Though Massachusetts was thus prevented from abolishing the slave trade, the relative discussions which took place were by no means unproductive of good. A great amelioration became visible in the condition of all the negroes in the province; and most of the proprietors gave liberty to their slaves. This *just* action—for such, and such only, it deserves to be termed—has obtained hitherto scarcely any notice from mankind; while the subsequent and similar conduct of the Quakers in Pennsylvania, has been celebrated with warm and general encomium. So capricious is the distribution of fame, and so much advantage does the reputation of virtue derive from alliance with sectarian spirit and interest."

This, sir, is the history of provincial Massachusetts. As early as 1773, and previously, four of her annual Legislatures had passed enactments prohibitory of all traffic in negroes, the effect of which was prevented by the vetoes of British governors. When foiled in this general attempt, her citizens, for the most part, gave liberty to their slaves. When she shook off the yoke of British oppression, she recognised the principle of universal freedom. When she prescribed for herself a free constitution, she shook from the hem of her garments every vestige of colonial slavery.

I point, sir, to this passage from the history written by an impartial foreigner, not merely to vindicate the early spirit of the people of that State, but to bring to view her subsequent career, and by that example, the same which has appeared in the career of the other free States, to fortify the positions which I maintain. This attempt at her disparagement fully justifies such argument. What, sir, would Massachusetts have been at this day, with domestic slavery continued, and ever increasing, within her borders? Circumscribed in her territory, her soil for the most part hard and broken, her sky comparatively unkind, and her climate severe, she has sought the sources of her unfailing prosperity in the principle of perfect, universal freedom. Sustaining her ever-increasing population, she has annually sent forth her children, by thousands, to aid in taking up and carrying forward to the West, the frontier of civilization. All they demand is freedom and the privilege of labor. As the flag of our country moves on over prairie and mountain, they assist in bearing its standard. The capital and enterprise of Massachusetts are aiding in the extension of the great thoroughfares of inland commerce wherever production invites them. Massachusetts is with and for the West—with and for the whole country. She repines not that, as the Republic gathers greatness and extent, her relative influence will be ever diminishing. If the words "an ocean-bound Republic," now empty and imaginative, shall ever become descriptive of reality, the spirit of Massachusetts will be found invigorating the great idea, demanding that the highways of commerce shall traverse the continent; that commercial and political intelligence shall pass from ocean to ocean with the electric fluid. Then, as now, in minorities or in majorities, the opinions of the people of



Massachusetts will be every where freely expressed. Then, as now, the enlargement of the country will not, by their consent, be coupled with the extension of domestic slavery. They will demand then, as now, that the extension of the Republic shall be not in specious profession, but in truth, "the extension of the area of freedom."

The combined action, sir, of those who have established themselves in Oregon, has prohibited, as far as can now be done by them, the existence of slavery upon that region. Could such a prohibition be extended to other portions of our territory, where the climate and soil are of a more genial character, how soon would the obstacles which now keep back the population and improvement of some of the finest portions of our national inheritance be removed.

Mr. Speaker, I need not observe that, if my ability were at all equal to the occasion, and if my limited time would permit, the further insisting upon reasons and arguments here against this measure, or any of its features, can be of no possible avail. But, sir, I speak for those who have remonstrated and protested against the admission of Texas with its present constitution, but whose remonstrances have mostly been laid upon your table without the slightest examination. Many of them come from the people of districts and States whose representatives, could they have opportunity, would enforce their views with vastly more ability than I can hope to do. Those representatives cannot be heard. Such is the haste with which the majority are determined to press through this measure; such the power which the rules of this House give to its majority. It is my duty, therefore, at this last moment of opportunity, in the name of these remonstrants, and of those who entertain the same opinions, to enter their solemn protest against the passage of these resolutions, admitting Texas as a State into the Union, with the provisions of its constitution in relation to slavery.

Because, the admission of this State, with those provisions, secures to its free white population a representation in this House, not measured and limited as in the free States, by their own numbers, but increased by adding three-fifths of their slaves; a principle of our constitution always unequal, and this extension of which over the vast territory by this act annexed, is not only unequal, but, in our belief, against the spirit and intent of the Constitution, inconsistent with republican principles, and unjust. Because that, in our opinion, the institutions of domestic slavery, to preserve which, in the United States and in Texas, are among the purposes and effects of this annexation, are permanently injurious to the best interests of the whole country, and to all the American people, and must prove so to the people of the State now admitted, and of those new States which may hereafter be erected within its territory. Because the extension of the area of slavery, with the extension of our jurisdiction over a new portion of this continent, must greatly weaken the moral influence of the example of this nation in favor of republican principles and free governments. Because, it was not in the contemplation of the revered framers of our Constitution that domestic slavery should ever be thus vastly extended; but rather that it would be limited, controlled by the progress of just opinions, and finally, by moral agencies and constitutional means, removed from the States in which it existed. Because, if we should aid in, or consent to, the extension of slavery, the act would be in violation of our clear convictions, that human slavery is against human rights; and we should be compelled to feel



that our act had given a more terrible energy to the recorded words of one of the fathers of the republic, a citizen of Virginia, the author of the declaration of independence, that "he trembled for his country when he reflected that God is just."

As the only method in which it can now be done, sir, in accordance with the rules of this House, I move that these resolutions be re-committed to the committee who reported them, with instructions to report the following amendment to them:

"*Provided*, That slavery and involuntary servitude (except for crime) be prohibited in the State by these resolutions admitted into the Union, and that all the provisions of the constitution of that State, inconsistent with this proviso, shall be null and void."